

IN THE UNITED STATES DISTRICT  
COURT WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CRUZ SANCHEZ and CIELO HILLS, LLC, as Intervenor	§ § § §	
v.	§	CIVIL ACTION NO. SA-19-CV-01248-XR
HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO, TEXAS	§ § §	

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**DEFENDANT HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO'S  
RESPONSE TO PLAINTIFF CRUZ SANCHEZ AND INTERVENOR CIELO HILLS,  
LLC'S MOTION TO COMPEL MEDIATION**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES, Defendant, HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO (hereinafter referred to as "Defendant" or "SAHA") and files its Response to Plaintiff Cruz Sanchez and Intervenor Cielo Hills, LLC's Motion to Compel Mediation, and in support thereof would show unto the Court as follows:

1. On January 10, 2020, Plaintiff and Intervenor filed their Motion to Compel Mediation.<sup>1</sup> Contemporaneously with this Response to Plaintiff and Intervenor's Motion to Compel Mediation, SAHA is filing a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(c).
2. Defendant does not believe mediation is appropriate in this case as it is Defendant's belief that under the law and the facts of this case, neither Plaintiff nor Intervenor can state a claim against Defendant as a matter of law. As set forth in SAHA's motion to dismiss, SAHA contends it does not have liability on any of Plaintiff or Intervenor's claims. SAHA asserts it has

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<sup>1</sup> Docket No. 17.

governmental immunity from suit on all claims asserted by Intervenor.<sup>2</sup>

3. Moreover, SAHA would show that notwithstanding Plaintiff and Intervenor's assertion the amount in controversy is small, Plaintiff and Intervenor are each seeking the recovery of attorney's fees in addition to the amount in controversy. Additionally, according to Plaintiff's Initial Rule 26 Disclosures, she is seeking to recover mental anguish damages.
4. Based upon the foregoing, SAHA does not agree at this time to mediate this lawsuit. SAHA will reconsider mediation in the event it is unsuccessful on its motion to dismiss.

WHEREFORE, PREMISES CONSIDERED, Defendant Housing Authority of the City of San Antonio prays that Plaintiff and Intervenor's opposed Motion to Compel Mediation be, in all things, denied, and for such other and further relief, both general and special, at law or in equity, to which Defendant may show itself justly entitled.

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<sup>2</sup> See Defendant SAHA's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(c).

**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2020, a true and correct copy of the forgoing instrument was sent by means indicated to the following:

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**VIA CM/ECF**

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N. MARK RALLS